



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 02/09/99

AGENDA ITEM 3

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of the Planning Commission's Action to Impose a Requirement for Security Guards as a Condition of Approval of Use Permit Application No. 98-160-19 – Jung Lee for Hayward Music Studio (Applicant), Douglas B. Storm for Mission Properties (Owner) – The use permit is to operate an existing 3,600-square-foot karaoke recording studio and adjoining bar (beer only) as a commercial amusement facility.

The property is located at 21995 Mission Boulevard in the Mission Plaza in a Central City Zoning District-Commercial Subdistrict.

RECOMMENDATION:

It is recommended that the City Council uphold the decision of the Planning Commission and deny the appeal.

DISCUSSION:

On January 14, 1999, the Planning Commission approved the use permit application to allow the continued operation of a karaoke recording studio and adjoining bar with conditions of approval focusing on security and public safety. Mr. Jung Lee, the appellant and the applicant and operator of Hayward Music Studio, has appealed Condition No. 15 that states:

Two private security guards shall be employed and on-premise Friday and Saturday between the hours of 6 p.m. to closing. The security guards are to be to the satisfaction of the Hayward Police Department. In addition, the Hayward Police Department agrees to re-evaluate the requirement for two security guards after a period of six months.

Mr. Lee states that it would be a financial hardship to provide two security guards and offers instead to provide one security guard and security cameras in the larger recording studio rooms (see Exhibit D). Mr. Lee points out that his business does not open until 7:00 p.m. and does not feel that it is necessary for private security one hour before the business opens.

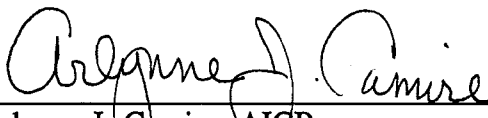
The Police Department recommends that the operation be permitted to continue as long as the applicant hires security guards to deter criminal activity. In the past three years, the Police

Department has responded to thirty-three calls for service at the Hayward Music Studio. These calls were related to two shooting incidents where several people were injured, discharging guns into the air, assaults by patrons on patrons of an adjacent bar, public intoxication, a fire bombing, assaults on other patrons in the parking lot, gang activity by out-of-area gang members, and vandalism of vehicles. Because of the severity of the incidents and their disruptive nature, the Police Department believes that at least two security guards are necessary to maintain a level of security that is essential to a safe environment for the patrons, employees and public within the business and the parking lot. They point out that if one security guard is incapacitated, a second security guard could provide back up support.

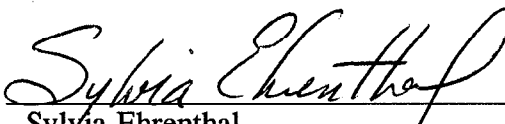
The appellant's request to substitute a security camera in lieu of a security guard was considered and rejected by the Police Department. The Police Department indicates that one security guard would be insufficient to handle disruptions both within the business and in the parking lot. Furthermore, providing security guards one hour before the business opens would provide time for surveillance of the parking area and for metal detector searches of employees. Incidents have occurred, including the fire bombing, an hour before the opening of the business.

Since the Planning Commission meeting, staff has received a letter in opposition to the approval of the karaoke recording studio from an owner of two properties adjacent to the site (see Exhibit E.)

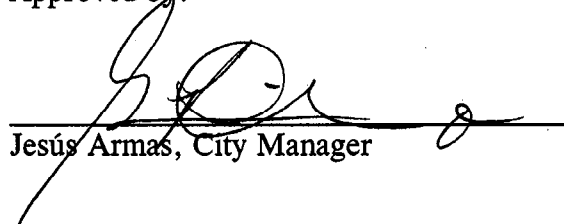
Prepared by:


Arlynne J. Camire, AICP
Associate Planner

Recommended by:

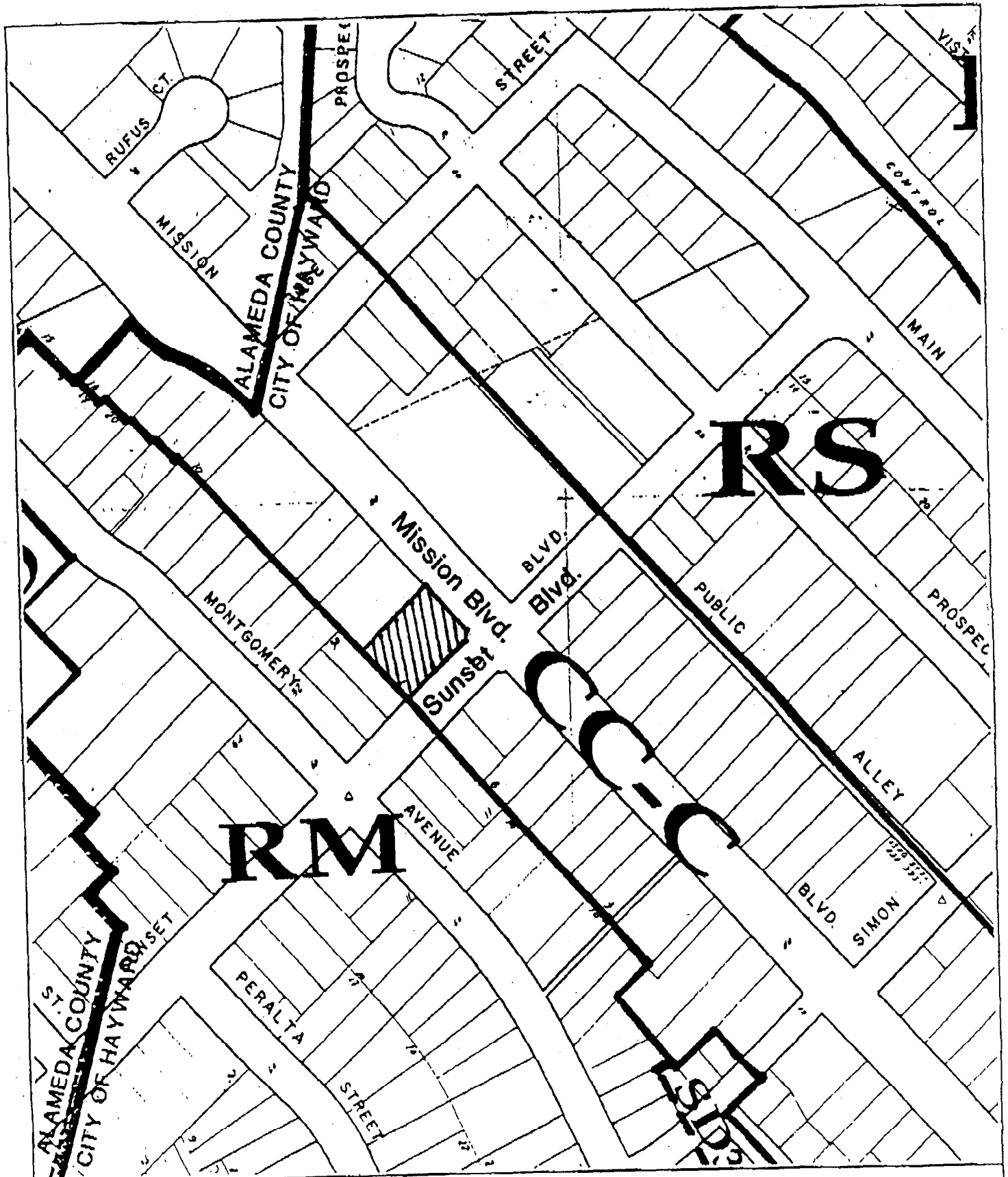

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A: Area Map
Exhibit B: Findings for Denial and Conditions of Approval
Exhibit C: Draft Planning Commission Minutes and Staff Report dated
January 14, 1999
Exhibit D: Letter of Appeal from the Applicant dated January 14, 1999
Exhibit E: Letter in Opposition to the Project dated February 1, 1999
Draft Resolution

2.4.99



ZONING/AREA MAP ■ AUP 98-160-19

Jung Lee/Hayward Music Studio (Applicant)
 Douglas Storm/Mission Properties c/o Mike Ahern (Owner)
 21995 Mission Blvd.

FINDINGS FOR DENIAL
Appeal of Condition No. 15 of Conditions of Approval
Use Permit Application No. 98-160-19
21995 Mission Boulevard
Jung Lee for Hayward Music Studio (Applicant)
Douglas B. Storm for Mission Properties (Owner)

Based on the staff report and the public record:

- A. That the provision of one security guard on Friday and Saturday nights from 7:00 pm to 3:00 am at the Hayward Music Studio, a karaoke recording studio and bar, is not desirable for the public welfare;
- B. That the provision of one security guard on Friday and Saturday nights from 7:00 pm to 3:00 am at the Hayward Music Studio, a karaoke recording studio and bar, will impair the character and integrity of the neighborhood by permitting the continuance of disturbances and criminal activities that could result in unsafe business and neighborhood environments;
- C. That the provision of one security guard on Friday and Saturday nights from 7:00 pm to 3:00 am at the Hayward Music Studio, a karaoke recording studio and bar, will be detrimental to the public health, safety or general welfare in that adequate safety measures will not be provided; and
- D. That the provision of one security guard on Friday and Saturday nights from 7:00 pm to 3:00 am at the Hayward Music Studio, a karaoke recording studio and bar, is not in harmony with applicable City policies as well as the intent and purpose of the zoning district in that a safe and desirable working environment will not be present.

CONDITIONS OF APPROVAL
Use Permit Application No. 98-160-19
21995 Mission Boulevard
Jung Lee for Hayward Music Studio (Applicant)
Douglas B. Storm for Mission Properties (Owner)
(As modified by the Planning Commission on 1-14-99)

General

1. This Use Permit Application No. 98-160-19, to allow the operation of a karaoke recording studio and bar, shall be operated according to the plans approved by the City Council on February 9, 1999, labeled Exhibit "A" and these conditions of approval.
2. This approval is to be reviewed by the Planning Commission after ~~one-year~~ 6 months of operation after the effective date of approval. Any modification to the approved plans or conditions shall require review and approval by the Director of Community and Economic Development/Planning Director and the Police Department.
3. Prior to **March 10, 1999**, all pertinent conditions of approval and all improvements and operating procedures pertaining to the serving of alcoholic beverages, interior and exterior lighting and security shall be completed to the satisfaction of the Director of Community and Economic Development/ Planning Director and the Police Department.
4. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. All weeds shall be removed. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

Building

5. Any building improvements shall comply with all applicable currently adopted codes and ordinance including UBC, UPC, UMC, NEC, Title 24 energy code, and all Hayward building code amendments and ordinances.
6. The maximum occupancy level for the premises shall not be exceeded.

Police Department Requirements

7. The property owner/applicant shall install and maintain lighting that meets the City of Hayward Security Ordinance and shall be approved by the Police Department.

8. The applicant shall maintain the existing interior lighting for the studio which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department. Any changes of interior lighting shall be approved by the Hayward Police Department.
9. The applicant shall discourage patrons and visitors from loitering in the parking lot and in front of adjacent businesses. No Loitering signs, which are to the satisfaction of the Hayward Police Department shall be posted and maintained.
10. The violation, by the applicant or any employee of the Hayward Music Studio, of any rule or regulation issued by the Department of Alcohol and Beverage Control or any law concerning the sale and distribution of alcohol shall be grounds for use permit revocation.
11. Conviction by the applicant or any employee of the applicant for any criminal offense committed at the establishment shall be grounds for use permit revocation.
12. Consumption of alcoholic beverages shall be limited to the bar area. No alcoholic beverages are permitted in the recording studio rooms. Conspicuous signage indicating such must be posted at each individual studio. Lack of enforcement of this condition shall be grounds for use permit revocation.
13. The applicant shall prominently post signs inside the premises and adjacent to each entrance/exit door(s) stating that consumption of alcoholic beverages in public is prohibited by law pursuant to Section 4-2.10 of the Hayward Municipal Code. Signs shall be to the satisfaction of the Hayward Police Department.
14. The applicant shall be responsible for the maintenance of the peace to ensure order on the property. The applicant shall take all necessary steps to ensure that patrons and visitors refrain from incidents of violence and/or intoxication that adversely impact the safety of the community and therefore, become an increased burden on the limited resources of the Police Department.
15. Two private security guards shall be employed and on-premise Friday and Saturday between the hours of 6pm and closing. The security guards are to be to the satisfaction of the Hayward Police Department. In addition, the Hayward Police Department agrees to re-evaluate the requirement for two security guards after period of six months.
16. The security guards shall be responsible for observing all persons entering the business as well as the parking lot in front of the business. Any illegal or suspicious activity shall be reported to the Hayward Police immediately.

17. The security guards shall utilize a Police Department approved metal detector to search all persons entering the premises, including any bags, packages or parcels. Employees shall are required to undergo a metal detector search.
18. The hours of operation for the business shall be limited to:
 - (a) Bar-7:00 pm to 2:00 am, 7 days a week
 - (b) Karaoke Studio-5:00 pm to 2:00 am, (Sunday-Thursday) and 5:00 pm to 4:00 am (Friday-Saturday).

Site Improvements

19. All unused sign supports and sign cabinets shall be removed from the Mission Plaza Center.
20. The parking lot entrance located on Montgomery Street shall be chained-off to prevent parking lot access after 10:00 pm or before 8:00 am 7 days a week.
21. A sign permit is required for all signs. All signs shall conform to the Sign Ordinance and shall be approved by the Director of Community and Economic Development/Planning Director.
22. All business within the Mission Plaza Center shall have addresses that are clearly displayed and meet the requirements of the Security Ordinance.
23. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
24. If problems occurring as a result of the operation of the karaoke recording studio and bar, the Director of Community and Economic Development/Planning Director will schedule this use permit on the agenda of the Planning Commission for modification of these conditions to mitigate negative impacts or revocation of the use permit.

DRAFT

Family Residential District.

Exhibit C

3. **USE PERMIT APPLICATION NO. 98-150-22 - LIFE CHIROPRACTIC COLLEGE (APPLICANT)** - Request to establish a chiropractic college and ancillary clinic within an existing 188,570-square-foot industrial building. The project location is 25001 Industrial Boulevard at Depot Road and Clawiter Road in an Industrial District.

PUBLIC HEARINGS

1. **USE PERMIT APPLICATION NO. 98-160-19 - HAYWARD MUSIC STUDIO (JUNG LEE/APPLICANT)** - Request to permit an existing 3600-square-foot karaoke recording studio and adjoining bar (beer only) as a commercial amusement facility. The property is located within the Mission Plaza Center at 21995 Mission Boulevard on the northwest corner of Mission and Sunset Boulevards in the Central City-Commercial Subdistrict.

Associate Planner Camire described the application and the conditions of approval, many of which focused on security. She indicated that, although the parking lot has access from Montgomery or Mission, the Montgomery access would be closed from 10 p.m. to 8 a.m. daily. She added that two security guards would be required for Friday and Saturday nights as well as metal detectors at the door. She then answered questions from Commissioners.

Commissioner Halliday asked how long they had been licensed and was told that they were first issued a business license as a music practice studio in February 1993.

Chairperson Williams asked why the police would be reviewing the application in 6 months, whereas the Commission won't review it for a year.

Associate Planner Camire indicated that it was at the will of the Commission; if they would like to review the application sooner, they could stipulate that in their motion.

Chairperson Williams opened the public hearing at 7:56 p.m.

Jee Soo Kim, 305 Kittyhawk #308, Alameda, 94501, spoke for the applicant to appeal the condition of hiring 2 private security guards. He indicated that Mr. Lee does not do enough business to incur the cost of hiring 2 guards. It would be a fiscal hardship. He said that having them work from 6 p.m. would be a waste of time since the business does not really get started until 10 p.m. He also appealed the condition requiring a metal search detector saying it was a family establishment and this might discourage people from coming to the Club.

Lt. Fred Hoover, Hayward Police Department, said that since the club opened in 1993, the police have responded to 33 calls; on March 15, 1998, 5 people were shot in the parking lot. He also indicated that Mr. Lee and his staff need assistance to make sure the business is run in a safe manner. He added that the establishment has a restricted [beer only] license in the bar and there is no alcohol allowed in the studio. He said that Mr. Lee did not feel it was necessary to have a security guard on Sunday since business is much slower that day. As a result they are only requiring security guards on Fridays and Saturdays and they will review the application after six-months.

Public Hearing Closed at 8:13 p.m.

Commissioner Caveglia expressed concern over the 33 police calls and moved, seconded by Commissioner Bennett, the staff recommendation.

Commissioner Bennett said she would support the motion and suggested that Mr. Lee look at ways to reduce the police calls to his business.

Chairperson Williams agreed.

The motion passed 5:0.

2. **MODIFICATION OF THE CONDITIONS OF APPROVAL FOR PARCEL MAP 6705 - CAROL FOSTER (APPLICANT/OWNER)** - Request to remove conditions No. 3 and 4 to allow Parcel 1 direct access to Grandview Avenue. Prior approval required access through an easement on the adjacent property. The property is located at 26986 Grandview Avenue, east side, approximately 600 feet north of Cotati Street in a Single-Family Residential District.

Developmental Review Services Engineer Anastas gave an over-view of the conditions regarding the drive-way on Grandview.

Public Hearing Opened and Closed at 8:24 p.m. with no input from the public.

Commissioner Bennett moved, seconded by Commissioner Fish, the staff recommendation, adding that it seemed like a reasonable request.

Commissioner Caveglia asked for a friendly amendment to delete the curb and gutter requirement since the neighborhood has said specifically that they do not want either. Both the maker and seconder agreed to the amendment.

The motion passed 6:0. Commissioner Fish then stepped down from the dais for the next item.

3. **USE PERMIT APPLICATION NO. 98-150-22 - LIFE CHIROPRACTIC COLLEGE (APPLICANT)** - Request to establish a chiropractic college and ancillary clinic within an existing 188,570-square-foot industrial building. The project location is 25001 Industrial Boulevard at Depot Road and Clawiter Road in an Industrial District.

CED Director Ehrental made the staff report and asked Commissioners to focus on the appropriateness of Life College for this particular site. She described the Industrial area and zoning and indicated that this was not consistent with the intent of the Zoning and General Plan. She suggested some alternate uses for the site more in alignment with the City's plans for the area. She then said staff recommended denial of the application.

Commissioner Caveglia asked where, if not there, could they build.

CED Director Ehrental responded that they might be better suited to the downtown area where public transportation would be more accessible. She then responded to further questions from Commissioners.



ITEM NO: 1

AGENDA REPORT PLANNING COMMISSION ■ CITY OF HAYWARD

**MEETING OF:
January 14, 1999**

TO: Planning Commission

FROM: Arlynn J. Camire, Associate Planner

SUBJECT: **USE PERMIT APPLICATION NO. 98-160-19 - JUNG LEE FOR HAYWARD MUSIC STUDIO (APPLICANT), DOUGLAS B. STORM FOR MISSION PROPERTIES (OWNER) - Request to operate an existing 3,600-square-foot karaoke recording studio and adjoining bar (beer only) as a commercial amusement facility.**

The property is located at 21995 Mission Boulevard in the Mission Plaza on the northwest corner of Mission and Sunset Boulevards in an Central City Zoning District-Commercial Subdistrict.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the use permit subject to the attached findings and conditions of approval.

DISCUSSION:

Background

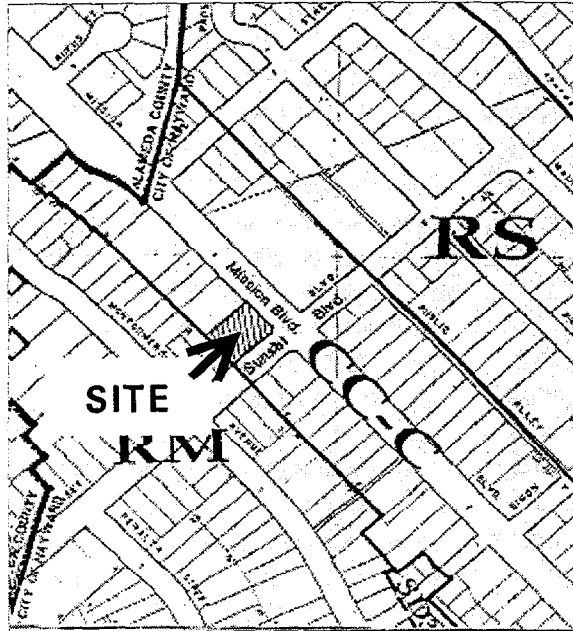
The applicant, Jung Lee, operates the Hayward Music Studio. This establishment was licensed as a music practice studio on February 19, 1993. However, the applicant operates this business as a karaoke recording studio with a bar (beer only) that requires the approval of a use permit to operate as a commercial amusement facility. The Police Department, who has responded to several service calls including a shooting, brought this fact to the attention to staff.

Setting

The 3,600-square-foot establishment, including an adjoining bar, is located in the Mission Plaza Center next to a liquor and video store at the northwestern corner of Sunset Boulevard and Mission Boulevard in the Central City Zoning District-Commercial Subdistrict (CC-C). Additional businesses within this shopping center include a television repair shop, 2

Use Permit Application No. 98-160-19- Jung Lee for Hayward Music Studio, Applicant,
Douglas B. Storm for Mission Properties, Owner

restaurants, a roofing company, a sign maker and an insurance agency (see attached site plan.) Single family homes and apartments are located to the west on Montgomery Street and to the south on Sunset Boulevard behind the shopping center in the Medium Density Residential (RM) zoning district. In addition, a parking lot, accessed from Montgomery Street and that serves the shopping center, is located in the Medium Density Residential (RM) zoning district. Automobile sales and automobile repair and automobile services are located to the north, south, and east of the shopping center on Mission Boulevard in the Central City Zoning District-Commercial Subdistrict.



Area Map

Project Description

Hayward Music Studio is operated as karaoke recording studio with an adjoining bar that serves beer only. The business provides 7 small studios at 140 square feet, 3 medium sized studios at 200 square feet and one large studio at 400 square feet. Each studio is equipped with a large screen TV, chairs and large sectional sofas (see attached floor plan). Patrons drink beer in the individual studio rooms. At the end of the session, patrons are provided with a tape of the recording. The peak business hours are between 10:30 pm and 2:00 am.

Police Department Concerns

The Police Department states there have been other incidents in the parking lot and added that in many cases the responsible parties were found to be patrons of the business. On one occasion the business owner observed a patron with a handgun and neglected to contact the

Use Permit Application No. 98-160-19- Jung Lee for Hayward Music Studio, Applicant,
Douglas B. Storm for Mission Properties, Owner

Police Department. The patron was prohibited from bringing the gun into the building, however, later that evening used the gun in the parking lot to shoot several people. Fortunately, no one was killed. A representative of the Police Department met with the property manager, Michael Ahern of MW Associates. Mr. Ahern subsequently met with Mr. Lee and other tenants regarding these incidents.

Because of violent and inappropriate behavior of the patrons of the karaoke recording studio and bar, the police have requested that alcoholic beverages be prohibited in the studio rooms, that 2 private security guards be on premises Friday and Saturday nights and that the security guards are to report to the Police Department any illegal or suspicious activity that occurs adjacent to or on-premises. In addition, a metal detector search is required for all persons and their belongings entering the business, including employees. If the conditions of approval are not met, then revocation procedures of the use permit will proceed. The applicant objects to hiring security guards due to costs and impact on his ability to carry on his business.

General Plan, Zoning and Neighborhood Plan Consistency

The General Plan Map designation for the subject property is "General Commercial" and the Zoning Map designation is Central City Zoning District-Commercial Subdistrict. A conditional use permit is required to operate a commercial amusement facility in the CC-C zoning district. As conditioned, the use of this site for karaoke recording studio and bar is consistent with both designations.

The project is within the North Hayward Neighborhood Plan area. The Neighborhood Plan has a policy to "*Support Neighborhood Standards and Public Safety*" which is addressed by the conditions of approval that require the implementation of several security measures and prohibits access to the Montgomery Street neighborhood after 10:00 pm, 7 days a week.

Environmental Review

Pursuant to Section 15301, Class 1, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is categorically exempt from environmental review.

Public Notice


On January 3, 1999, a notice of public hearing was mailed to every property owner and occupant as noted on the latest assessor's records within 300 feet of the property. Staff received a letter in opposition from a resident who lives on Montgomery Street. The resident expresses concern that the crime will increase in the neighborhood as the result of the operation of the karaoke studio.

Use Permit Application No. 98-160-19- Jung Lee for Hayward Music Studio, Applicant,
Douglas B. Storm for Mission Properties, Owner


Conclusion

The Police Department has recommend approval of this application based on stringent conditions of operation. The recommended conditions of approval are reflective of the violent and inappropriate behavior of the patrons of the karaoke recording studio and bar. Because of incidents, the Police Department has requested a review of the use permit after one year of operation with the imposed conditions.

Prepared by:


Arlynn J. Camire, AICP
Associate Planner

Recommended by:


Dyana Anderly, AICP
Development Review Services Administrator

Attachments:

- Exhibit A - Findings for Approval
- Exhibit B - Conditions of Approval
- Exhibit C - Site Plan
- Exhibit D - Floor Plan
- Exhibit E - Applicant Submitted Information
- Exhibit F - Letter in Opposition from Montgomery Street Resident

EXHIBIT A

FINDINGS FOR APPROVAL
Use Permit Application No. 98-160-19
21995 Mission Boulevard
Jung Lee for Hayward Music Studio (Applicant)
Douglas B. Storm for Mission Properties (Owner)

Based on the staff report and the public record:

- A. That the karaoke recording studio and bar is desirable for the public convenience or welfare in that it carries out the City's intent to promote the development of the downtown area as the central area of the city for business, governmental, cultural, financial, residential, office and entertainment uses;
- B. That the karaoke recording studio and bar will not impair the character and integrity of the neighborhood in that it is located entirely within an existing building and conditions will be imposed to mitigate any foreseen adverse impacts;
- C. That the karaoke recording studio and bar will not be detrimental to the public health, safety or general welfare in that all building and fire code requirements will be met; and
- D. That the karaoke recording studio and bar is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the use will be compatible with commercial activity and provides a desirable working environment with a minimum of detriment to surrounding properties.

EXHIBIT B

CONDITIONS OF APPROVAL
Use Permit Application No. 98-160-19
21995 Mission Boulevard
Jung Lee for Hayward Music Studio (Applicant)
Douglas B. Storm for Mission Properties (Owner)

General

1. This Use Permit Application No. 98-160-19, to allow the operation of a karaoke recording studio and bar, shall be operated according to the plans approved by the Planning Commission on January 14, 1999, labeled Exhibit "A" and these conditions of approval.
2. This approval is to be reviewed by the Planning Commission after one year of operation after the effective date of approval. Any modification to the approved plans or conditions shall require review and approval by the Director of Community and Economic Development/Planning Director and the Police Department.
3. Prior to **February 15, 1999**, all pertinent conditions of approval and all improvements and operating procedures pertaining to the serving of alcoholic beverages, interior and exterior lighting and security shall be completed to the satisfaction of the Director of Community and Economic Development/ Planning Director and the Police Department.
4. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. All weeds shall be removed. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

Building

5. Any building improvements shall comply with all applicable currently adopted codes and ordinance including UBC, UPC, UMC, NEC, Title 24 energy code, and all Hayward building code amendments and ordinances.
6. The maximum occupancy level for the premises shall not be exceeded.

Police Department Requirements

7. The property owner/applicant shall install and maintain lighting that meets the City of Hayward Security Ordinance and shall be approved by the Police Department.

**Use Permit Application No. 98-160-19- Jung Lee for Hayward Music Studio, Applicant,
Douglas B. Storm for Mission Properties, Owner**

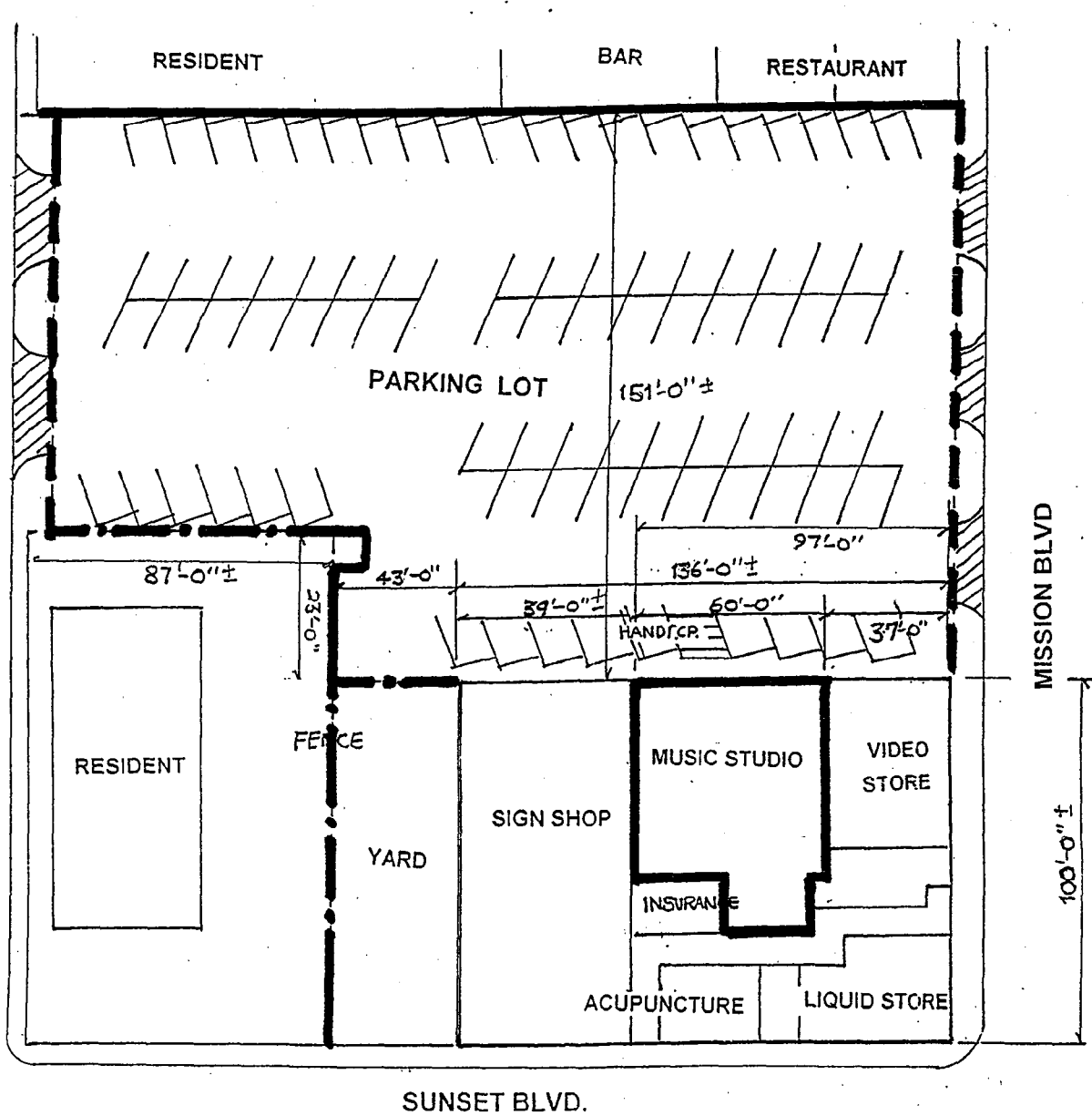
8. The applicant shall maintain the existing interior lighting for the studio which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department. Any changes of interior lighting shall be approved by the Hayward Police Department.
9. The applicant shall discourage patrons and visitors from loitering in the parking lot and in front of adjacent businesses. No Loitering signs, which are to the satisfaction of the Hayward Police Department shall be posted and maintained.
10. Commissions by the permittee or any employee of the permittee of any rule or regulation issued by the Department of Alcohol and Beverage Control or any law concerning the sale and distribution of alcohol shall be grounds for use permit revocation.
11. Conviction by the permittee or any employee of the permittee for any criminal offense committed at the establishment shall be grounds for use permit revocation.
12. Consumption of alcoholic beverages shall be limited to the bar area. No alcoholic beverages are permitted in the recording studio rooms. Conspicuous signage indicating such must be posted at each individual studio. Lack of enforcement of this condition shall be grounds for use permit revocation.
13. The applicant shall prominently post signs inside the premises and adjacent to each entrance/exit door(s) stating that consumption of alcoholic beverages in public is prohibited by law pursuant to Section 4-2.10 of the Hayward Municipal Code. Signs shall be to the satisfaction of the Hayward Police Department.
14. The applicant shall be responsible for the maintenance of the peace to ensure order on the property. The applicant shall take all necessary steps to ensure that patrons and visitors refrain from incidents of violence and/or intoxication that adversely impact the safety of the community and therefore, become an increased burden on the limited resources of the Police Department.
15. Two private security guards shall be employed and on premise Friday and Saturday between the hours of 6pm and closing. The security guards are to be to the satisfaction of the Hayward Police Department. In addition, the Hayward Police Department agrees to re-evaluate the requirement for two security guards after period of six months.
16. The security guards shall be responsible for observing all persons entering the business as well as the parking lot in front of the business. Any illegal or suspicious activity shall be reported to the Hayward Police immediately.

**Use Permit Application No. 98-160-19- Jung Lee for Hayward Music Studio, Applicant,
Douglas B. Storm for Mission Properties, Owner**

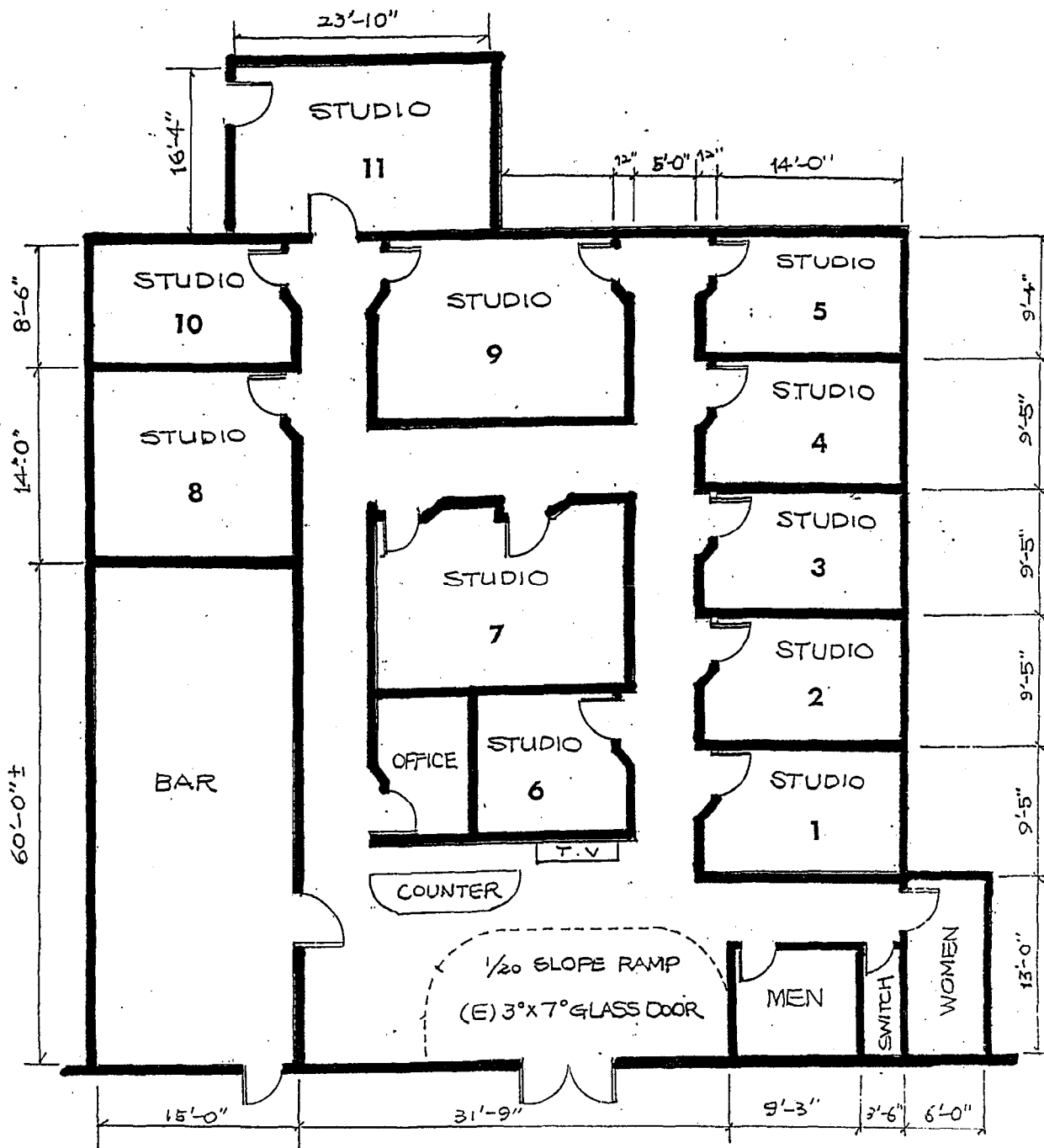
17. The security guards shall utilize a Police Department approved metal detector to search all persons entering the premises, including any bags, packages or parcels. Employees shall be required to undergo a metal detector search.
18. The hours of operation for the business shall be limited to:
 - (a) Bar-7:00 pm to 2:00 am, 7 days a week
 - (b) Karaoke Studio-5:00 pm to 2:00 am, (Sunday-Thursday) and 5:00 pm to 4:00 am (Friday-Saturday).

Site Improvements

19. All unused sign supports and sign cabinets shall be removed from the Mission Plaza Center.
20. The parking lot entrance located on Montgomery Street shall be chained-off to prevent parking lot access after 10:00 pm or before 8:00 am 7 days a week.
21. A sign permit is required for all signs. All signs shall conform to the Sign Ordinance and shall be approved by the Director of Community and Economic Development/Planning Director.
22. All business within the Mission Plaza Center shall have addresses that are clearly displayed and meet the requirements of the Security Ordinance.
23. Violation of these conditions is cause for revocation of permit after public hearing before the duly authorized review body.
24. If problems occurring as a result of the operation of the karaoke recording studio and bar, the Director of Community and Economic Development/Planning Director will schedule this use permit on the agenda of the Planning Commission for modification of these conditions to mitigate negative impacts or revocation of the use permit.



Site Plan



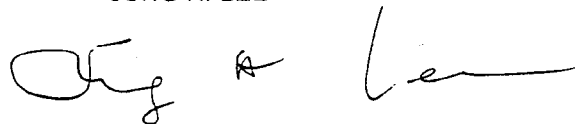
Floor Plan

HAYWARD MUSIC STUDIO
BUSINESS INFORMATION

1. BUSINESS NAME : HAYWARD MUSIC STUDIO
2. ADDRESS : 21995 MISSION BLVD HAYWARD CA. 94541
3. SINCE : MAY/6/ 1993
4. TYPE OF BUSINESS : KARAOKE STUDIO
5. BUSINESS HOURS : SUN-THURDAY 5:00PM-2:00AM
FRI-SATDAY 5:00PM-4:00AM
6. HOW MANY ROOMS : 7 SMALL ROOMS, 3 LARGE ROOMS, & 1 VIP ROOM
7. MAXIMUM CAPACITY : 98 PERSONS
8. HOW MANY EMPLOYEES : 2 PART TIME WORKERS
9. BUSY DAY & HOURS : SUN-THURDAY ----0 TO 5 ROOMS SERVED
FRI-SATDAY -----10 TO 20 ROOMS SERVED
BUSY HOURS-----10:30PM-2:00AM
10. HOW CHARGE : SMALL ROOM-----\$25.00/HOURS
LARGE ROOM-----\$40.00/HOURS
V.I.P ROOM-----\$65.00/HOURS
11. BAR :
BUSINESS HOURS : 7:00PM-2:00AM 7DAYS
CAPACITY : 21 PERSONS
SALE : ON SALE BEER
EMPLOYEE : 1 FULL TIME BARTENDER

NOV/ 11/1998

OWNER
JUNG H. LEE



Appeal regarding
Hay. Music Studio

RECEIVED

JAN 04 1999

Dec. 31-1998

DEVELOPMENT REVIEW SERVICES

To all Members of the Hayward
Planning Commission,

I just received a notice of
the Public Hearing requesting per-
mission to open the Hay. Music Studio.

Please, Please! I vote against
this request. Hayward is one of the
dirtiest, unkept cities around this
part of Alameda Co. not counting streets
Mission Blvd & B.

I live behind the Four Square
Church on Sunset & Montgomery st.

People sell dope right at my curb
use dope ~~and~~ have sex on the side of my
house. Women pick up their 'johns'
at my curb.

No!! I do not want any more
business bringing this kind of
environment in my neighborhood.

I ask you. Would you want
this happening at your doorstep?

I don't think so.

We all live where we can.

We keep our properties neat, well
some of us do.

Please consider this letter.

NO! to Hayward Music Studio.

Thank you for taking the time
to read my letter.

Sincerely
Marcella G. Muela

I appeal.

Jung Lee for Hayward Music Studio
21995 Mission Boulevard
Hayward, CA 94541

January 20, 1999

Dyana Anderly, A.I.C.P.
Development Review Services Administrator
City of Hayward
777 "B" Street
Hayward, CA 94541-5007

Re: Appeal of the decision of the Planning
Commission
Use Permit Application No. 98-160-19

Dear Ms. Anderly:

I appreciate the opportunity to address one issue that I wish to appeal related to the Conditions of Approval. Item 15 which requires two (2) private security guards will impose a severe financial hardship for me. Additionally, I believe that one security guard would be adequate to insure the safety of the community and my patrons.

I would like to point out that there have been no incidents which required police assistance or intervention for nearly one year. I recently assisted the district attorney in his prosecution of persons accused of causing trouble in the parking lot area. I testified for the prosecution in the recent trial and gave him my full cooperation.

I would suggest as an alternative to the two security guards the following:

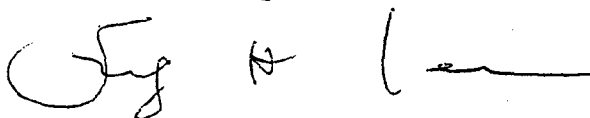
I will hire one security guard from 10:00 p.m. through 3:00 a.m. on Friday and Saturday nights which is when the club is the busiest. (Please note that we do not open until 7:00 p.m.) This will continue for six months and will be subject to further review at that time.

I will install security cameras in all of the large rooms with television monitors.

Thank you for your consideration.

Sincerely,

Jung Lee





VOGEL ASSOCIATES

MEDICAL SERVICE • RESEARCH • FINANCE • ADMINISTRATION

William O. Vogel, M.A.
Marta K. Vogel, R.N.

3308 Oakes Drive
Hayward, CA 94542-1240

Phone (510) 538-6761
FAX (510) 881-2857

February 1, 1999

Arlynn J. Camire, Associate Planner
City of Hayward
Development Review Services Division
777 B Street, First Floor
Hayward, CA 94541-5007

Dear Ms. Camire:

Re: Use Permit Application No. 98-160-19

I am strongly opposed to the proposed use of the property at 21995 Mission as a karaoke recording studio and bar.

I am the owner of the properties at 810 Sunset and 22072/22070 Montgomery.

I have invested considerable funds in maintaining and improving the property for my tenants in each of these properties. They in turn have been very fine, caring tenants.

The only complaint they have is the disruptive element that comes from the Mission Boulevard area.

There has been property breaking and entering and loitering by inebriated and/or loud combative individuals on the private lawns and porches of my tenants. They have requested and I have provided funds for more secure locks and doors.

That this problem exists along this part of Mission Boulevard area is well known to the Hayward Police.

The last thing needed on that area of Mission Boulevard is a business that will potentially attract the element that disturbs my tenants and is of concern to the Hayward police.

If the "strip mall" milieu continues in this area, it is inevitable that Gresham's Law of Real Estate will prevail and effect surrounding residential properties..

That law posits that undesirable elements drive out good tenants and lower property values.

Sincerely,

William O. Vogel
William O. Vogel

RECEIVED
FEB 02 1999
DEVELOPMENT REVIEW SERVICES

DRAFT

JB 2/4/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION DENYING APPLICANT'S APPEAL OF A
CONDITION OF APPROVAL REQUIRING SECURITY
GUARDS IN CONNECTION WITH CONDITIONAL USE
PERMIT APPLICATION NO. 98-160-19**

WHEREAS, Use Permit Application No. 98-160-19 concerns a request to operate an existing 3,600-square-foot karaoke recording studio and adjoining bar as a commercial amusement facility located at 21995 Mission Boulevard, in the Mission Plaza, in a Central City Zoning District-Commercial Subdistrict; and

WHEREAS, on January 14, 1999, the Planning Commission approved the use permit application to allow the operation of a karaoke recording studio and adjoining bar with conditions of approval focusing on security and public safety; and

WHEREAS, Mr. Jung Lee, applicant and owner of Hayward Music Studio, (applicant), has appealed from the imposition of Condition No.15 which states:

"Two private security guards shall be employed and on-premise Friday and Saturday between the hours of 6:00 p.m. to closing. The security guards are to be to the satisfaction of the Hayward Police Department. In addition, the Hayward Police Department agrees to re-evaluate the requirement for two security guards after a period of six months;" and

WHEREAS, applicant contends it would be a financial hardship to provide two security guards and, alternatively, offers to provide one security guard and security cameras in the larger recording studio rooms; and

WHEREAS, the Hayward Police Department recommends that two security guards be required as per Condition No. 15 as approved by the Planning Commission on January 14, 1999, in order to provide a safe environment for the patrons, employees and public, because of an ongoing history of disturbances and criminal activity at the business, including assaults, public intoxication, shooting incidents and vandalism. The Police Department advises that one private security guard is not enough to observe both the business operation and activity in the parking lot and does not recommend changing the conditions of approval to reflect applicant's request; and

WHEREAS, the City Council of the City of Hayward, hereby finds and determines as follows:

1. The requirement for the presence of two security guards as set forth in Condition No. 15 is a reasonable and necessary condition for the approval of Use Permit application 98-160-19 because applicant has not been able to otherwise control the serious problems related to patron behavior occasioned by operation of his business. The condition is necessary to assure the safety of the patrons and public, and to insure that the use will not be detrimental to the public or impair the character of the neighborhood.
2. Approval of the use permit without Condition No. 15 as approved by the Planning Commission on January 14, 1999, would result in a use that is detrimental to the character of the neighborhood as well as the public health, safety and general welfare because past operation of the business without security guards has led to repeated instances of dangerous and criminal behavior.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based upon the aforementioned findings, the appeal of imposition of Condition No. 15 in connection with the Planning Commission's approval of Use Permit Application No. 98-16-19 is hereby denied. Otherwise, the Planning Commission's action in approving Use Permit Application No. 98-160-19 is sustained.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward